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Mental Health and guns: What's preventing people from getting guns?

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We see it all the time in the news, shooting after shooting, and after the fact, we hear that shooter had issues with mental health.

But does that automatically prohibit them from owning a firearm? Turns out, many times, it doesn't.

The 1993 Brady Handgun Violence Prevention Act mandated federal background checks for gun purchases. A few years later, the National Instant Criminal Background Check System, or NICS, was created, and that's where all the background checks are processed through.

Of the 230,837,368 firearm background checks the NICS system has done since its implementation in 1998 through February, only 0.56% (1,296,110) [have been denied](#). 0.009% (22,285) have been denied because of mental health issues.

But some say that's because paperwork has been lost in the shuffle.

"The NICS background checks when they conduct those checks, it's only as good as the information they put in the system," says Michael P. Knight, with the ATF.

Here's how the NICS works: when someone tries to purchase a handgun through a federal firearms licensed dealer, or FFL they submit the name to the NICS. The database then searches three other databases, the Interstate Identification Index, the National Crime Information Center, and the NICS index.

If that buyer's identifying information matches any prohibiting records contained in the databases, then they're denied a gun.

The FBI estimates 90% of the records used in a NICS check come from states.

"How many of those individuals were actually put into the system, and that's where the breakdown may occur," Knight says.

One of the reasons someone could be denied a firearm is if someone has been involuntarily committed to a mental institution, or adjudicated as a mental defective. That doesn't mean that every person who is in a mental institution or seeking mental help can't qualify for a firearm.

"Brady Act is very specific, but that may differ from a state's interpretation, or a local court's interpretation of what is considered involuntary commitment and to what end of a facility that they were being placed in," says Knight.

President Obama's [executive orders](#) this year hopes to address exactly that.

"Part of the executive order that the president has requested is that a multitude of agencies, including our agency, the FBI, and the health department, look at this and see what changes that need to be made, if any, to make sure that it's clarified in terms of the background check

universal,” Knight says.

And even more changes are already underway, especially for states like Alabama.

The [NICS Improvement Amendments Act of 2007](#) was enacted, to help states make more records available for use during NICS background checks.

That act also made grants available, of which Alabama has been awarded \$1.9 million to get rid of a backlog of information that should have been entered into the databases, but never was.

It also helped create an easier way for probate judges to submit involuntary commitments into the system.

From President Obama’s executive actions in 2013, changes have also been made to HIPAA, the Health Insurance Portability and Accountability Act, laws.

HIPAA laws are designed to protect patient's health information, to ensure privacy and security.

In a [report from the Government Accountability Office](#), states found that reporting mental health issues had been a problem because of HIPAA laws.

Those changes were finalized, and outlined in a memo from the department of health and human services in January of this year.

It'll make it easier for agencies, like hospitals, to submit information to the NICS, that would prohibit someone from owning a gun.

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